

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

CHRISTOPHER EVERETT,  
ADC #152664

PLAINTIFF

v.

3:20-cv-00228-DPM-JJV

IAN WARD, Sergeant,  
North Central Unit, ADC; *et al.*

DEFENDANTS

**ORDER**

Christopher Everett (“Plaintiff”) is a prisoner in the North Central Unit of the Arkansas Division of Correction (“ADC”). He has filed a *pro se* Complaint, pursuant to 42 U.S.C. § 1983, alleging Defendants violated his constitutional rights.

**I. FILING FEE**

The total cost for filing a civil action in federal court is \$400, which includes a \$350 statutory fee and a \$50 administrative fee. A prisoner who does not seek or is denied *in forma pauperis* status must pay the full \$400 fee immediately. However, if *in forma pauperis* status is granted, the \$50 administrative fee is waived, and the prisoner must pay the \$350 statutory fee in monthly installments taken from his or her institutional account. 28 U.S.C. § 1915(b); *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998). If the prisoner has sufficient funds, an initial partial filing fee is collected as soon as *in forma pauperis* status is granted, and the remainder of the fee is collected monthly. 28 U.S.C. § 1915(b)(1). The Court makes these determinations based on the financial information provided in an Application to Proceed *In Forma Pauperis* (“IFP Application”) and a Calculation of Initial Payment of Filing Fee Sheet (“Calculation Sheet”). Importantly, if the prisoner’s case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against

a defendant who is immune from such relief, the full fee will be collected, and no portion will be refunded to the prisoner.

Plaintiff has not paid the \$400 filing fee or sought permission to proceed *in forma pauperis*. I will give him thirty (30) days to do so.

## **II. PROCEEDING *PRO SE***

The Court is sensitive to the fact that *pro se* litigants like Plaintiff are not trained in the law and will give deference to a *pro se* plaintiff where the law requires. However, all parties, including *pro se* litigants, must comply with substantive and procedural law. *Brown v. Frey*, 806 F.2d 801, 804 (8th Cir. 1986) (citations omitted). For this reason, the Court will only consider claims properly pled in a complaint or in a superseding amended complaint. The Court will not consider claims stated in notices or other pleadings that fail to comply with the Federal Rules of Civil Procedure.

Additionally, Plaintiff must comply with the Local Rules of the Court. Of particular note to *pro se* plaintiffs is Local Rule 5.5(c)(2), which states:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.

Loc. R. 5.5(c)(2).

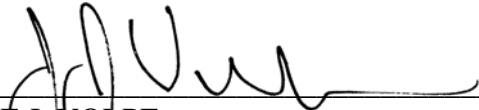
## **III. CONCLUSION**

IT IS, THEREFORE, ORDERED that:

1. The Clerk is directed to mail Plaintiff an IFP Application and Calculation Sheet.
2. Plaintiff must, **within thirty (30) days of this Order**, either pay the \$400 filing fee

in full or file a IFP Application and Calculation Sheet.<sup>1</sup> **If Plaintiff doe not timely and properly do so, I will recommend this case be dismissed without prejudice.**

DATED this 17th day of August 2020.

  
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JOE J. VOLPE  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Plaintiff must complete and sign the IFP Application. In contrast, the Calculation Sheet must be completed and signed by an authorized prison official.